



NIXON PEABODY LLP

ATTORNEYS AT LAW

101 Federal Street
Boston, MA 02110-1832
(617) 345-1000

Fax: (617) 345-1300

Direct Dial: (617) 345-6054

E-Mail: reisenstein@nixonpeabody.com

PTO/PCT Rec'd 29 SEP 2000

January 10, 2000

Ofra Weinberger, Ph.D.
Columbia Innovation Enterprise
Columbia University
P.H. 15-Center
630 W. 168th Street
New York, NY 10032

RE: J. Sodroski, et al.
National Phase Filing of PCT/US98/24001
Our Ref. No.: 157/ 48436

Dear Dr. Weinberger:

Enclosed please find a combined Declaration and Power of Attorney, and an Assignment that needs to be signed by Drs. Kwong and Hendrickson, and a Small Entity form for Columbia University in connection with the U.S. filing of the above-identified case. We ask that you have these documents executed and returned to us at your earliest possible convenience.

Thank you for your assistance in this matter. We will keep you advised of further developments.

Please do not hesitate to contact us if you have any questions.

Very truly yours,
NIXON PEABODY LLP

Ronald I. Eisenstein

RIE/nv
Enclosures

CC: P. Ariniello (w/o enclosures)
R. Emyanitoff, Ph.D. (w/o enclosures)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed at 201) below or an original, first and joint inventor (if plural names are listed at 201-208 below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS

which is described and claimed in:

- ☐ the specification attached hereto.
- ☐ the specification in U.S. Application Serial Number _____
filed on _____; and
- X the specification in PCT international application Number PCT/US98/24001, filed on
November 10, 1998; and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign/PCT Applications and Any Priority Claims Under 35 U.S.C. §119:			
Application No.	Filing Date	Country	Priority Claimed Under 35 U.S.C. §119?
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**Prior U.S. Applications or PCT International Applications Designating the U.S-Benefit
Under 35 U.S.C. §120**

U.S. Applications		Status (Check One)		
Application Serial No.	U.S. Filing Date	Patented	Pending	Abandoned
08/ 966,932	November 10, 1997		X	
08/ 967,148	November 10, 1997		X	
08/ 967,708	November 10, 1997		X	
08/ 967,403	November 10, 1997		X	
08/ 966,987	November 10, 1997		X	
08/ 976,741	November 24, 1997		X	
09/ 100,762	June 18, 1998		X	
09/ 100,631	June 18, 1998		X	
09/ 100,521	June 18, 1998		X	
09/ 100,763	June 18, 1998		X	
09/ 100,529	June 18, 1998		X	
09/ 100,764	June 18, 1998		X	
PCT Applications Designating the U.S.				
Application No.	Filing Date	U.S. Serial No. Assigned		
PCT/US98/23998	November 10, 1998		X	

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Applicant	Provisional Application Number	Filing Date
R. Wyatt, et al.	60/ 089,581	June 17, 1998
R. Wyatt, et al.	60/ 089,580	June 17, 1998

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) with full powers of association, substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ronald I. Eisenstein (Reg. No. 30,628)
 Jeffrey B. Arnold (Reg. No. 39,540)
 Lisa A. Dolak (Reg. No. 35,491)
 Edwin V. Merkel (Reg. No. 40,087)

David S. Resnick (Reg. No. 34,235)
 Georgia Caton (Reg. No. P-44,957)
 William T. French (Reg. No. 16,297)

Michael L. Goldman (Reg. No. 30,727)
 Dennis M. Connolly (Reg. No. 40,964)
 Gunnar G. Leinberg (Reg. No. 35,584)

SEND CORRESPONDENCE TO: Ronald I. Eisenstein NIXON PEABODY LLP 101 Federal Street Boston, Massachusetts 02110	DIRECT TELEPHONE CALLS TO: Ronald I. Eisenstein (617) 345-6054
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2 0 1	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		SODROSKI	Joseph	G
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		Medford	Massachusetts	USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		10 Ashland Place	Medford	Massachusetts 02155

2 0 2	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		WYATT	Richard	T.
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		Andover	Massachusetts	USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		11 Delphi Circle	Andover	Massachusetts 01810

2 0 3	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		KWONG	Peter	D.
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		New York	New York	USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		352 W. 15 th St. Apt. 403	New York	New York 10011

2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		HENDRICKSON	Wayne	A.
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		Hastings-on-Hudson	New York	USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		161 Mt. Hope Boulevard	Hastings-on-Hudson	New York 10706

2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
		FARZAN	Michael	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		Brookline	Massachusetts	USA
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY AND ZIP CODE
		108 St. Paul Street Apt. 6	Brookline	Massachusetts 02146

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature of Inventor 201	Date:
Signature of Inventor 202	Date:
Signature of Inventor 203	Date:
Signature of Inventor 204	Date:
Signature of Inventor 205	Date:

ASSIGNMENT

WHEREAS, We, Peter D. Kwong, a United States citizen, residing at 352 West 15th Street Apartment 403, New York, New York 10011, and Wayne A. Hendrickson, a United States citizen residing at 161 Mt. Hope Boulevard, Hastings-on-Hudson, New York 10706, have invented certain new and useful improvements in STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS for which we have executed an application for Letters Patent in the United States, filed on December 22, 1999, United States Serial Number _____;

AND WHEREAS, The Trustees of Columbia University, a New York corporation, with its principal place of business at West 116th Street & Broadway, New York, New York 10027, desires to acquire the entire right, title and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, including salary or payment for the making of inventions, or employee benefits, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said The Trustees of Columbia University, its successors, legal representatives and assigns, the entire right, title and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue Patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said The Trustees of Columbia University, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said The Trustees of Columbia University, its successors, legal representatives and assigns, any facts known to us respecting said improvements and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said The Trustees of Columbia University, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

The undersigned hereby grant(s) the law firm of Nixon Peabody LLP of 101 Federal Street, Boston, Massachusetts 02110, U.S.A. the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, I, Peter D. Kwong, hereunto set my hand and seal this ____ day of _____, 20__.

Peter D. Kwong

STATE OF _____
COUNTY OF _____ SS:

This ____ day of _____, 20__, before me personally came the above-named _____, to me personally known as the individual who executed the same of his/her own free will for the purposes therein set forth.

Notary Public

IN TESTIMONY WHEREOF, I, Wayne A. Hendrickson, hereunto set my hand and seal this ____ day of _____, 20__.

Wayne A. Hendrickson

STATE OF _____
COUNTY OF _____ SS:

This ____ day of _____, 20__, before me personally came the above-named _____, to me personally known as the individual who executed the same of his/her own free will for the purposes therein set forth.

Notary Public

Practitioner's Docket No. 157/ 48436
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: J. Sodroski, et al.
Serial No.:
Filed on: December 22, 1999
Title: STABILIZED PRIMATE LENTIVIRUS ENVELOPE
GLYCOPROTEINS

Sir:

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))—NONPROFIT ORGANIZATION**

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Nonprofit Organization The Trustees of Columbia University
Address of Nonprofit Organization West 116th Street & Broadway, New York, New York 10027

TYPE OF NONPROFIT ORGANIZATION

- ☐ University or Other Institution of Higher Education
- ☐ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501 (c)(3))
- ☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America
(Name of State _____)
(Citation of Statute _____)
- ☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)), if Located in the United States of America
- ☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America if Located in the United States of America
(Name of State _____)
(Citation of Statute _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, with regard to the invention described in

- ☐ the specification filed herewith, with title as listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to, and remain with, the nonprofit organization, with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c), if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e)

**NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27).*

Each such person, concern or organization having any rights in the invention is listed below:

☐ No such person, concern, or organization exists.

☒ Each such person, concern or organization is listed below.

FULL NAME Dana-Farber Cancer Institute, Inc.

ADDRESS 44 Binney Street

Boston, MA 02115

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2).

[] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing _____

Title in Organization _____

Address of Person Signing _____

SIGNATURE _____

Date _____